

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JEFFREY J. O'NEAL,

Plaintiff,

v.

MISSOURI DEPT. OF CORR., et al.,,

Defendants.,

No. 1:19-CV-160 SNLJ

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for reconsideration of the dismissal of his complaint. After reviewing the arguments raised by plaintiff, the Court will decline to alter or amend the judgment of this Court. The Court concludes that plaintiff's motion fails to point to any manifest errors of law or fact, or any newly discovered evidence. Instead, the motion can be said to merely revisit old arguments. Plaintiff is therefore not entitled to reconsideration of the dismissal of his complaint, and his motion will be denied.

To the extent plaintiff is seeking leave to file an amended complaint, the Court denies plaintiff leave to do so. Although a district court "should freely give leave [to amend] when justice so requires, Fed. R. Civ. P. 15(a)(2), plaintiffs do not enjoy an absolute or automatic right to amend" a complaint. *United States ex rel. Roop v. Hypoguard USA, Inc.*, 559 F.3d 818, 822 (8th Cir. 2009) (internal quotation omitted). Moreover, "interests of finality dictate that leave to amend should be less freely available after a final order has been entered." *Id.* at 823; *see also In re Medtronic, Inc., Sprint Fidelis Leads Prods. Liab. Litig.*, 623 F.3d 1200, 1208 (8th Cir. 2010) ("Post-dismissal motions to amend are disfavored."). Finally, to preserve the right to amend the complaint, "a party must submit the proposed amendment along with its motion." *Clayton v.*

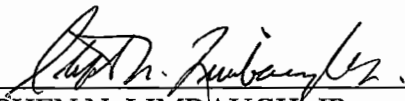
White Hall School Dist., 778 F.2d 457, 460 (8th Cir. 1985) (internal citation omitted). Plaintiff did not do so.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration of the dismissal of his complaint and for leave to amend [Doc. #8] is **DENIED**.

IT IS FURTHER ORDERED that an appeal from this Order would not be taken in good faith.

Dated this 16th day of June, 2020.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE